

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

UNITED STATES OF AMERICA

v.

ACTION NO. 2:05mj204

BRYON ELLIS MORRIS,

Defendant.

O R D E R

_____In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. The Court concludes that the following facts require the detention of the defendant pending trial in this case.

There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 846.

The defendant has not rebutted the presumption established by the above finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The Court FINDS that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that the defendant was involved in a methamphetamine distribution conspiracy. The defendant stipulated that there was

probable cause in the criminal complaint to believe that he was involved in this conspiracy. Counsel for the defendant argued that the defendant's involvement was that of a minor player.

The Court FINDS that this defendant is 47 years old and is a lifelong resident of the community. The defendant's sister indicated to Pretrial Services that she would be a third-party custodian and that she would appear at the detention hearing. However, she did not appear at the detention hearing to support her request that she be a third-party custodian.

The defendant claims to have worked odd jobs since 1991 and indicated he only earned enough money to purchase food. He has no monthly income or assets and has an outstanding debt for traffic fines of \$3,000, towards which he makes no payments.

The defendant used marijuana from his high school days until 1985, when he began snorting crystal methamphetamine, until his arrest in March of 2004. The defendant has a number of misdemeanor convictions and four arrests for failure to appear and convictions. In addition, the defendant was convicted of petit larceny in 1983, concealment in 1985, DUI in 1987, driving while license suspended in 1987, driving under revocation in 1984, habitual offender in February of 2004, and a second habitual offender conviction in 2004.

The case against the defendant appears to be strong on the methamphetamine charges.

The Court FINDS that because of the substantial possible penalties that this defendant faces in this case and the strength of the evidence against him that there is a strong likelihood that the defendant will not appear for trial under any conditions of release. The Court further FINDS that the defendant is a danger to the community by his continuous and continuing drug dealing and should be detained pending the trial of this case. See United States v. Williams, 753 F.2d 329 (4th Cir. 1985).

There is a serious risk that the defendant will not appear.

There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk shall mail or deliver a copy of this Order to the United States Attorney at Norfolk, to the United States Marshal at

Norfolk, to the United States Pretrial Services Office at Norfolk,
and to counsel of record for the defendant.

/s/

Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia

May 23, 2005

Nunc pro tunc May 20, 2005